

MC 507-05

FOR the purpose of removing the prohibition in Montgomery County against the issuance of alcoholic beverages licenses for premises within a certain distance of public libraries; making certain stylistic changes; and generally relating to premises licensed to sell alcoholic beverages in Montgomery County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 9-216(a)

Annotated Code of Maryland

(2001 Replacement Volume and 2004 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 2B – Alcoholic Beverages

9-216.

(a) (1) The Montgomery County Board of License Commissioners may not issue any license to sell alcoholic beverages within 750 feet of any secondary or elementary school, church or other place of worship, [public library] or youth center sponsored or conducted by any governmental agency.

(2) Measurement of the required distance shall be made from the nearest point of the building of the proposed establishment for which the license is requested to the nearest point of the building of the school, church or other place of worship, [public library] or youth center.

(3) The Board of License Commissioners may within its discretion and by unanimous action of the Board approve the application for any license to sell alcoholic beverages more than 300 feet from any elementary or secondary school, church or other place of worship, [public library,] or youth center sponsored or conducted by any governmental agency provided that the land upon which the building is situated in which the licensee would operate is classified in a commercial or industrial zone under the applicable zoning ordinance and is adjacent [and/or] OR contiguous to other land which is similarly classified under said zoning ordinance.

(4) Nothing in this section shall apply to or affect or prohibit, in any manner, the renewal, transfer, or reissuance of a prior license of any license of any establishment where subsequent to the original granting of [said] THE license a school, church or other place of worship, [public library] or youth center was erected within 750 feet of the establishment.

(5) For the purposes of this section, reissuance shall be limited to a new license for the establishment issued within [one (1)] 1 year from the date of expiration or revocation of a prior license provided the revocation did not result from acts of the owner of the establishment.